

STATINTL

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COMPTROLLER GENERAL OF THE UNITED STATES
Washington 25

B-107023

January 2, 1952

Miss Clare G. Festi, Authorized Certifying Officer
c/o Director, Budget and Finance Division
Office of Price Stabilization

My dear Miss Festi:

Reference is made to your letter of December 10, 1951, your reference 0300/2920, transmitting a voucher for \$38.40, representing pay due at \$1.60 per hour for twenty-four hours compensatory time which accrued to the credit of Michael D. Bailey, deceased, which remained unused at the time of his death, and requesting to be advised whether "this overtime can be liquidated by payment to the widow."

Section 202 of the Federal Employees' Pay Act of 1945, 59 Stat. 297, authorizes the granting of compensatory time off for irregular or occasional overtime work "to those per annum employees requesting such compensatory time off from duty". The statement furnished with your letter shows that the services in question constituted "irregular or occasional overtime work." In your letter it is stated that "Mr Bailey had requested an opportunity to use his compensatory time, however, due to the pressure of the work in the Enforcement Branch, it was mutually agreed that he would take it at a time when the pressure of work was not so great."

In 26 Comp. Gen. 750, it was held that when, because of reasons beyond the control of the employee, compensatory time off is not taken prior to separation the employee would be entitled to payment therefor at overtime compensation rates. In line with that decision payment to the decedent's widow at the overtime rates for the compensatory time in this case would be proper, pursuant to the act of August 3, 1950, Public Law 636, 81st Congress, and General Regulations of this Office, No. 104, Supp. 1.

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The voucher, together with supporting papers, is returned herewith.

Sincerely yours,

(Signed) LINDSAY C. WARREN

Comptroller General
of the United States